

VZCZCXYZ0004
PP RUEHWEB

DE RUEHKU #1160/01 3291256
ZNR UUUUU ZZH (CCY AD007B4B MSI9954-695)
P 241256Z NOV 08
FM AMEMBASSY KUWAIT
TO RUEHC/SECSTATE WASHDC PRIORITY 2400
INFO RUEHGB/AMEMBASSY BAGHDAD PRIORITY 1323
RUEHLO/AMEMBASSY LONDON PRIORITY 1494
RUEHFR/AMEMBASSY PARIS PRIORITY 1162
RUEHRH/AMEMBASSY RIYADH PRIORITY 2532
RUEHGV/USMISSION GENEVA PRIORITY 1245
RHEHNSC/NSC WASHDC PRIORITY
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3204

UNCLAS KUWAIT 001160

SENSITIVE
SIPDIS

C O R R E C T E D COPY CAPTION
NEA/ARP, NEA/I
OSD-DPMO FOR A. CRONAUER, COL D. ELLIS, J. BASHAM

E.O. 12958: N/A
TAGS: [MARR](#) [PHUM](#) [PREL](#) [IZ](#) [SA](#) [KU](#)
SUBJECT: TRIPARTITE COMMISSION: KUWAITI DISAPPOINTMENT
WITH LACK OF PROGRESS ON MISSING

REF: A. KUWAIT 698
[1](#)B. KUWAIT 1137

[1](#)1. (U) This is an action request. Please see para 13.

Summary

[1](#)2. (SBU) The Kuwaiti delegation made clear during a November 19 Tripartite Commission (TC) meeting that it was disappointed over the lack of results in the search for Kuwaitis missing from the 1990 Iraqi invasion of Kuwait. Despite a commitment to cooperative dialogue in the TC setting, a clear lack of capacity and coordination among Iraqi ministries continues to delay the discovery and exhumation of the mortal remains of some 350 Kuwaitis believed to have been executed by Iraqi forces. The TC, chaired by the International Committee for the Red Cross, revealed no new information on US Navy Captain Michael Scott Speicher, the one remaining US citizen left unaccounted for from the 1990 Gulf War. His DNA profile remains in the Kuwaiti database and continues to be checked against all newly received profiles. End Summary.

31st Tripartite Commission Update

[1](#)3. (U) The International Committee for the Red Cross (ICRC) chaired the 58th session of the Technical Subcommittee (TSC) and the 31st Tripartite Commission (TC) respectively on November 17 and 19. The ICRC updated the TC -- composed of delegates who manage POW and/or unaccounted-for files from Iraq, Kuwait, Saudi Arabia, France, the UK and the U.S. -- on 2008 developments in the quest to locate the mortal remains of those still missing from the 1990-91 Iraqi invasion and occupation of Kuwait.

Kuwaiti Frustrations: "2008 was Null and Void!"

[1](#)4. (SBU) In a departure from previous TC sessions, which were characterized by a conciliatory, collegial tone, the Kuwaiti delegation and the ICRC expressed overt frustration with the lack of progress from the Iraqi side, complaining that 2008 offered few tangible results in terms of locating mass graves or other mortal remains in Iraq despite recent security successes and citing examples of apparent unwillingness to cooperate by private Iraqi potential

'witnesses.' Based on conclusive DNA testing which dated back to 2004, the TC closed only three files -- one Saudi and two Kuwaiti nationals. There were no exhumation activities conducted by Kuwait in 2008. To increase accountability and productivity from TSC taskings, ICRC proposed and the TC agreed that meetings should take place on a bimonthly basis starting on January 20, 2009; the venue is likely to be a UN station on the Kuwaiti/Iraqi border.

Successful Saudi/Iraqi Coordination on Repatriating Remains

15. (U) A positive and welcome result, but outside of the TC mandate, was the successful repatriation of 63 mortal remains from Saudi Arabia, through Kuwait, to Iraq. With these repatriations, the Saudi delegation declared that all 123 Iraqi files in Saudi Arabia were closed. The ICRC touted this development and praised the bilateral cooperation between the Iraqi and Saudi delegations.

Requests for US Action

16. (SBU) The ICRC chair recalled for the meeting that, per the 57th TSC (ref A), a previous review of data provided by the Kuwaiti delegation, led by Dr. Ibrahim Al-Shaheen, failed to reveal any indications of mass graves that would warrant additional excavation; further action by the USG would require new information to be brought forward by TC members. In response, the Kuwaiti delegation proposed an exchange of technical experts with Washington to analyze existing data and to recommend techniques and options for future discoveries. Ambassador reiterated for the TC that U.S. efforts in determining the locations of mass grave sites via

satellite imagery had been exhausted, but she welcomed new information that might prove useful in aiding analysts in future searches. She also welcomed the proposal for expert exchanges, but asked the Kuwaiti delegation to be more specific in its requests for U.S. assistance. Though Al-Shaheen was unable to provide immediately details on desired USG support, he mentioned that Nasseriya, Iraq holds promising excavation opportunities and requested a positive US and MNF-I response to future GOI overtures for financial or technical personnel assistance. (Note: The Saudi lead delegate, MFA U/S for Political Affairs Prince Turki Bin Mohammad Bin Saud Al-Kabir, arrived nearly 1.5 hours late to the session following meetings with GOK FM Dr. Mohammed Al Sabah. The Saudi Ambassador to Kuwait later confided to Ambassador that the KSA side believed the chances of recovering additional remains was little to nil at this stage. End note.)

Ambassador Tarasov's Call for Capacity Building

17. (SBU) UN High-Level Coordinator Ambassador Gennady Tarasov conveyed to Ambassador in a November 19 visit to Kuwait his concerns that poor coordination among Iraqi Ministries outweighed generally positive attitudes toward cooperation. He said his report to the UN Secretary General would call for more unity within the Iraqi government and urge support from the office of the Iraqi Prime Minister for the Ministry of Human Rights, headed by a competent, but overtaxed Wijdan Mikhail Salim. He explained that Salim is tasked with locating, among other responsibilities, the remains of the missing from numerous internal and external conflicts, but has only one 12-member team and little technical equipment with which to carry out the task. Tarasov opined that multi-sided political pressures make it extremely difficult for Salim to allocate her minimal resources to find the approximately 350 remaining Kuwaiti missing, when so many thousands of Kurdish, Sunni, and Shi'a Iraqis and Iranians are still unaccounted for in Iraq.

18. (U) Tarasov noted that the UN has UNAMI funds allocated for MOHR capacity building in terms of personnel and equipment and that he would seek additional funds for this

purpose. Ambassador conveyed the latter information to the TC. His assessment on Iraq was that "not much progress has taken place, but the quality of efforts has improved," and stressed that the way forward is to transform the determined and positive tone of professionals like Salim into practical deeds.

No Iraqi MFA Involvement in Proceedings

¶9. (SBU) Noticeably absent from the proceedings was representation from the Iraqi Embassy in Kuwait -- despite the matter being raised at the previous TSC and with the Iraqi Charge on November 11 (ref B). In response to poloff's query, an Iraqi delegation member replied that "if you bring in the Embassy, then you bring in the MFA, and then the office of the Prime Minister..." implying that GOI bureaucracy and infighting would squelch progress on TSC mandates. (Note: All Iraqi delegation members hailed from the GOI's Ministry of Human Rights. End note).

Witnesses Playing Cat and Mouse

¶10. (SBU) Adding to the Kuwaiti frustration was the lack of success in making contact with witnesses who claim to have actionable information on mass grave sites:

--A witness with supposed knowledge of grave sites in Kuwait (AKA "the Jahra witness") previously told TC members that he would meet them in Syria, then later changed the venue to Kuwait. He now insists that such a meeting, to be brokered by the ICRC, must take place in Riyadh. ICRC, in an attempt to force the meeting, set December 21 as the date, in Riyadh, in which the meeting must take place.

-- Two recently re-opened files, Mohammed Al-Dakhil and Faleh Al-Gharib, also produced disappointing results. The Iraqi delegation had failed to contact a supposed eyewitness, Dr.

Ibrahim Agidi (no further information), but renewed a promise to reach out to him and to other former and current Iraqi government officials who might have insight into missing Kuwaitis.

-- The Kuwaiti delegation was particularly indignant over recent demands for \$300,000 by a witness in Ramadi for information on mass graves. ICRC offered to meet with the witness, but mentioned that it would explore options to refer this witness to Iraqi legal authorities if he continued to withhold relevant information on mass grave sites.

Speicher Update

¶11. (U) There was no new information on US Navy Captain Michael S. Speicher's case. His DNA profile remains in the Kuwaiti database and continues to be checked against all newly received profiles. The U.S. delegation renewed its commitment to continue the effort to resolve Speicher's case.

¶12. (U) Delegations:

Republic of Iraq

Mr. Kazem M.K. Al-Anzi
Mr. Yaqoob Kh. Haider
Mr. Hussein Eidi Hassan
Mr. Arkan Abdallah Abdelamir
Mr. Hazem Jassem Yassin

State of Kuwait

H.E. Dr. Ibrahim M. Al-Shaheen
H.E. Ambassador Khalid M. Al-Maqamis
Mr. Fozan Al-Fozan
Mr. Rabea Al-Adsani
Dr. Mohammad Al-Haddad

Dr. Soltan Al-Khalaf

Kingdom of Saudi Arabia

H.H. Prince Turki Bin Mohammad Bin Saud Al-Kabir
MG Nasser Bin Saad Al-Hmeidan
Mr. Jamal Bin Hossein Akeel
Dr. Zuhair M. Al-Idrissi
Dr. Hussein Zahrani
LTC Khalid Al-Treiri
Mr. Fahad Al-Juraid

Republic of France

Ambassador Jean-Rene Gehan

United Kingdom

Charge d'Affaires Tim Stew
Mr. Jonathan Layfield
Ms. Nicola Woodget

United States

Ambassador Deborah K. Jones
POL Counselor Pete O'Donohue
Poloff Thomas Rosenberger

International Committee of the Red Cross

Mrs. Beatrice Megevand-Roggo, Head of Operations for Middle
East and North Africa
Mr. Jean-Michel Monod, Chairman of the TSC, Regional Delegate
for the GCC Countries
Mr. Juan Pedro Schaerer, Head of Delegation ICRC Iraq
Ms. Jamila Al-Hammami, Delegate for 'Missing' files for Iraq
Mr. John Strick van Linschoten, Protection Delegate, ICRC
Kuwait
Mr. Eissa Mowazi, Protection Department

¶13. (SBU) Action request: Post would appreciate further
information from USUN and/or the Department regarding the
availability of UNAMI funds for GOI MOHR capacity building
for locating and exhuming human remains, per Ambassador

Tarasov's remarks in para 7.

***** *
For more reporting from Embassy Kuwait, visit:
<http://www.state.sgov.gov/p/nea/kuwait/?cable s>

Visit Kuwait's Classified Website:
<http://www.state.sgov.gov/p/nea/kuwait/>

***** *
JONES